



One Newark Center, 19th Floor
Newark, New Jersey 07102
Tel: 973.690.5400 Fax: 973.466.2761
www.rwmlegal.com

March 25, 2016

BY CM/ECF

Hon. Tonianne J. Bongiovanni, U.S.M.J.
United States District Court, District of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse
402 East State Street, Room 6052
Trenton, New Jersey 08608

Re: *Depomed, Inc. v. Purdue Pharma L.P., et al.*
Civ. Action No. 13-00571-MLC-TJB

Dear Judge Bongiovanni:

This firm, along with Kramer Levin Naftalis & Frankel LLP, represents Plaintiff Depomed, Inc. (“Depomed”) in the above-referenced patent litigation against Defendants Purdue Pharma L.P., the P.F. Laboratories, Inc. and Purdue Pharmaceuticals L.P. (collectively, “Purdue”). We respectfully request an order lifting the stay of the litigation based on the U.S. Court of Appeals for the Federal Circuit’s opinion and judgment yesterday affirming the U.S. Patent Trial and Appeal Board’s final decisions (“PTAB”) that all the asserted claims of the Patents-in-Suit are valid over the prior art. *See* Exhibit A.

Depomed filed its Complaint in this case over three years ago on January 29, 2013, and the Court stayed this case for over two years pending the conclusion of three *inter partes* review (“IPR”) proceedings. *See* Dkt. Nos. 73, 84, 89, 90, 94, 104, 108. Now that the appellate proceeding has concluded, Depomed respectfully requests that the stay finally be lifted as the Federal Circuit issued a full written opinion detailing the factual and legal bases for its judgment in favor of Depomed. Ex. A. There is no appropriate basis for continuing the stay of the litigation now, and any continued stay of the case is unduly prejudicial to Depomed, as Purdue has not ceased its infringing activities and continues to make billions of dollars in sales using Depomed’s patented technology without license.

Depomed respectfully requests the Court lift the stay of the case, and schedule a teleconference with the parties in order to discuss the schedule for the remainder of the case. Should the Court request additional briefing on this issue or any other matter, Depomed is available to provide the Court with additional briefs as needed.

Respectfully,

s/ Keith J. Miller
Keith J. Miller

Encl.

cc: All counsel of record (By CM/ECF)